

**REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the following remarks.

Claims 1-19 are pending in this application. Claims 1, 12, 18 and 19 are independent. Claims 1-17 are hereby amended. Claims 18 and 19 are new. No new matter has been introduced. Support for this amendment is provided throughout the Specification.

Claims 1-5 and 8-16 were re rejected under 35 U.S.C. §102(e) as allegedly unpatentable in view of U.S. Patent No. 6,597,682 to Kari. Claims 11 and 17 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable in view of U.S. Patent No. 6,597,682 to Kari in view of U.S. Patent No. 6,259,686 to Banc et al. Claims 6 and 7 were indicated as allowable if rewritten in independent form.

The present invention as defined in independent claims 1 and 12 defines an access probability distribution being allocated to a communication device, whereby the access probability distribution defines the probability of a random access to access resources, whereby at least two access resources have a different access probability. This is explained in detail for example on page 6, lines 8 to 31 of the specification. At any given time point, an access probability distribution is allocated to a communication device, which can for example be a mobile phone. The access probability distribution defines an access probability for each available access resource. In other words, from the point of view of the communication device, the probability of an access to a first access resource might be different from the probability of access to a second access resource. This is explained in the table of page 6 of the specification, e. g., a first user (or communication device or mobile terminal) has a probability of 80 % to access a first random access resource, a probability of 10 % to access a second random access resource and a probability of 10 % to

access a third random access resource. The different access probabilities are identified as the mentioned access probability distribution.

The concept disclosed by Kari is very different and corresponds to the known concept which is described in the introduction of the present application. For example, Fig. 2A of Kari discloses the allocation of different priorities to different time slots of a random access channel. A terminal equipment having to send data only attempts to gain access to a time slots with a priority level which corresponds to the priority level of the data package to be sent (cf. column 4, lines 25 to 39). In other words, at a given time point a mobile terminal only attempts to obtain access to random access resources with a single access probability. Kari does not disclose to allocate an access probability distribution to a mobile terminal as specified in the present invention.

Specifically, independent claim 1 recites, *inter alia*:

“...selecting means for randomly selecting an access resource from said plurality of access resources on the basis of an access probability distribution being allocated to said communication device, said access probability distribution defining the probability of a random access to said access resources;

whereby at least two access resources have a different access probability, and

transmitting means for transmitting a random access burst in said randomly selected access resource.” (emphasis added)

As understood by Applicants, Kari, as applied by the Examiner, does not teach or suggest the above-identified features of claim 1.

For the above-stated reasons, Applicants respectfully submit that independent claim 1 is patentable.

Independent claim 12 is similar in scope to claim 1 and is believed patentable for similar reasons.

Claims 18 and 19 recite, *inter alia*:

“...access probability distribution defining, for each access resource of said plurality of access resources, the probability of a random access of said communication device to said access resource, so that the probabilities of a random access of said communication device to at least two access resources of said plurality of access resources are different from each other...” (emphasis added)

Applicants submit that neither Kari or Blanc, taken alone or in combination teach or suggest the above-identified feature. Therefore, Applicants respectfully submit that claims 18 and 19 are patentable.

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

### **CONCLUSION**

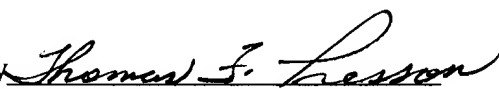
In the event the Examiner disagrees with any of statements appearing above with respect to the disclosures in the cited reference, it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By   
Thomas F. Presson  
Reg. No. 41,442  
(212) 588-0800